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LETTER DATED 1 NOVEMBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 27 September 1996 (S/1996/816) regarding the activities undertaken by the International Commission of Inquiry (Rwanda), in pursuance of resolution 1053 (1996) of 23 April. In that letter I stated, inter alia, that, with the concurrence of the Security Council, it was my intention to request the Commission to submit its report by 31 October 1996. That report is attached herewith.

I should like to draw the attention of the Security Council to sections VIII and IX of the report, which contain the Commission's conclusions and recommendations. I wish to refer, in particular, to paragraph 119 in which the Commission indicated that, pursuant to paragraph 2 of resolution 1053 (1996) and subject to the concurrence of the Security Council, it intended to continue its work with a view to following up its investigations, pursuing any further allegations of violations and making periodic reports on the evolution of the situation with regard to compliance with the relevant Council resolutions. In the same paragraph, the Commission expressed the view, however, that its mandate would need to be reviewed in the light of any decision that the Council may take, pursuant to paragraph 7 of resolution 1053 (1996) concerning the deployment of United Nations observers or in the light of any other decisions that the Council may adopt to address the deteriorating situation in the Great Lakes region.

In my letter of 13 March 1996 addressed to the President of the Council (S/1996/195), I emphasized that, in the absence of voluntary contributions to the budget of the Commission, as called for in paragraph 8 of resolution 1013 (1995), the Commission would continue to be financed as an expense of the Organization. I wish to reiterate in this connection that, in order to enable the Commission to pursue its work, the necessary additional appropriations would have to be made in the context of the regular budget of the Organization.

In this connection, however, I should like to observe that the situation within the region has changed dramatically over the period since the Commission was appointed, and indeed, since the submission of its report. Furthermore, as I have informed the Council in my letter of 29 October 1996 (S/1996/888), I have

appointed Mr. Raymond Chrétien of Canada as my Special Envoy for the Great Lakes region. He will report to me at the conclusion of his mission; I will keep the Council informed accordingly.

(Signed) Boutros BOUTROS-GHALI

Annex

Third report of the International Commission of Inquiry (Rwanda)

I. INTRODUCTION

1. By paragraph 1 of its resolution 1053 (1996) of 23 April 1996, the Security Council reaffirmed the importance it attached to the work of the Commission of Inquiry, to the investigations it had conducted to date and to continued effective implementation of the relevant Council resolutions.

2. By paragraph 2 of the resolution, the Council requested the Secretary-General to maintain the Commission of Inquiry on the basis set out in paragraph 91 (c) of the report of the Commission of Inquiry (S/1996/195, annex) to follow up its earlier investigations and to stand ready to pursue any further allegations of violations, especially of current and expected arms shipments.

3. In its report to the Security Council dated 14 March 1996 (S/1996/195, annex), the Commission described its investigations into the sale or supply of arms and matériel to former Rwandan government forces in the Great Lakes region in violation of the arms embargo imposed by the Council in resolution 918 (1994) of 17 May 1994. The Commission, acting pursuant to its mandate as set forth in resolution 1013 (1995) of 7 September 1995, also reported on its activities in the Great Lakes region and elsewhere and on the contacts it had made with Governments of the region and others pursuant to its inquiries.

4. In particular, the Commission reported the difficulties it had encountered in obtaining information and cooperation from some of its interlocutors, particularly the Government of Zaire. While the Commission met with senior Zairian cabinet ministers in Kinshasa, its investigations in Goma were hampered by the uncooperative attitude of the Zairian officials assigned to assist it in its work. The Commission was unable to visit the United Republic of Tanzania or Uganda during the period from November 1995 to February 1996 and wanted to ensure that it would be able to do so when it returned to the region pursuant to resolution 1053 (1996).

5. Accordingly, in preparation for the Commission's return to the Great Lakes region, the Secretary-General wrote on 14 May 1996 to the Governments of Zaire, the United Republic of Tanzania and Uganda to inform them of Security Council resolution 1053 (1996) and to request their cooperation in meeting with and assisting the Commission.

6. The Commission reconvened in New York on 8 July 1996 and, after proceeding to the field on 12 July, returned on 21 October. In accordance with resolution 1053 (1996), its size was reduced from six members to four, as follows:

Ambassador Mahmoud Kassem (Egypt), Chairman

Brigadier Mujahid Alam (Pakistan)

Mr. Gilbert Barthe (Switzerland)

Mr. Mel Holt (United States of America).

7. The Commission had a small support staff.

8. Since much of the information obtained by the Commission during the investigations it has conducted since July 1996 corroborates, amplifies or otherwise refers to the findings it presented to the Security Council in January and March 1996 in documents S/1996/67 and S/1996/195, it might be helpful to read the present report in conjunction with the Commission's first two reports.

II. ACTIVITIES OF THE INTERNATIONAL COMMISSION OF INQUIRY SINCE 12 JULY 1996

A. Activities in Kenya

9. On 12 July 1996, following a briefing for new members at United Nations Headquarters, the Commission arrived at Nairobi, where offices were provided for it by the United Nations Office at Nairobi. The Commission then renewed contacts it had made in Kenya during its earlier tour of duty from November 1995 to February 1996.

B. Activities in Rwanda

10. The Commission visited Rwanda from 24 to 29 July and met there with the Vice-President and Minister of Defence, Major-General Paul Kagame, and other senior officials to renew contacts made earlier. In addition, one Commissioner visited Rwanda a number of times in August and September to maintain official and unofficial contacts, inspect captured weapons and interview prisoners captured in cross-border incursions from Zaire.

11. The Commission was informed that the number and duration of such incursions were increasing and they were penetrating deeper into Rwanda. Some originated in Bukavu and Uvira and came up through Burundi into the south of Rwanda.

12. The information acquired by the Commission concerning fund-raising by and arms sales and deliveries to the former Rwandan government forces and military training to destabilize Rwanda is dealt with in detail below.

C. Activities in the United Republic of Tanzania

13. The Commission visited Dar es Salaam and Dodoma, United Republic of Tanzania, from 11 to 17 August 1996. During its visit, the Commission met with the Prime Minister of the United Republic of Tanzania, Mr. Frederick Sumaye, Mr. Ali Amieri Mohamed, Minister of Home Affairs, the Director General of Intelligence and Security, and other senior government officials in a position to assist the Commission's investigations. The Prime Minister and Minister of Home Affairs informed the Commission that it was their Government's policy not

to allow the United Republic of Tanzania to be used as a base for military training or for political activities by the refugees, nor were refugees permitted to have arms. At subsequent working-level meetings, the Commission was informed that the camps, which were located close to the Rwandan border, were very large and that there was a great deal of intermingling between the refugees and the local population. The Commission requested and received authorization to visit the Rwandan refugee camps on Tanzanian soil in Ngara district. The visit took place from 28 to 30 August.

14. The two Commission members who conducted the visit were accompanied by the Tanzanian Civil Defence Officer and Protocol Officer; a protocol officer of the Office of the United Nations High Commissioner for Refugees (UNHCR); the Head of the Refugee Section of the Tanzanian Ministry of Home Affairs; and the Security Officer of the Government of the United Republic of Tanzania. The Commission members visited Benaco, Musuhura, Keza, Mulonzi and Kitale Camps, the Rusomo post on the border with Rwanda and the Kabanga post on the border with Burundi. The Commissioners also spoke with refugees, local officials, UNHCR officials and non-governmental organization representatives.

15. A number of themes were clearly apparent from the information supplied to the Commission by all these various sources, and from its own observations. There was no evidence that arms and matériel were being sold or supplied to the remnants of the Rwandan government forces and militia now resident in the United Republic of Tanzania, no arms caches had been discovered, and arms were apparently not borne or openly displayed within the camps. Nevertheless, small arms were said to be available in the camps. On 22 August 1996, the Tanzanian police had arrested seven Rwandans on charges of conducting unspecified military-type activities, and were seeking a further two individuals on the same charge.

16. A senior Tanzanian official very familiar with the refugee situation and security-related matters categorically informed the Commission that military training was being conducted among the exiled Rwandans, who were in the process of "organiz(ing) themselves to do a mass assault" against Rwanda. The Commission was also shown arms that were said to have been obtained from the Rwandan refugees in the region and was provided with an official list of weapons and ammunition that had been obtained from the Rwandan refugees.

17. The Commission was informed that military training was being conducted day and night around the camps and in the surrounding hills and forest in both Ngara and Karegwe districts. This involved small-unit tactics as well as more serious training. The refugees had considerable freedom of movement, including the ability to cross into Rwanda and Burundi, but it was not thought that armed incursions were being conducted from the United Republic of Tanzania into Rwanda. However, there was evidence that some Rwandans in the United Republic of Tanzania were collaborating closely with Burundian groups working to destabilize and overthrow the Government of Burundi. There was also evidence of considerable contact between the Tanzanian camps and the Rwandan refugee camps in Zaire, via both Rwanda and Burundi.

18. Evidence that organized fund-raising, known as a "war tax", was being conducted among the Rwandans in the United Republic of Tanzania was also

presented to the Commission. The "war tax" was being levied from the economic activities in which the Rwandans were engaged, including their work as employees of non-governmental organizations. Some portion of the proceeds of crimes such as the hijacking of vehicles and extortion carried out by Rwandans were also said to fund the military effort. Religious and church-related activities, which were said to have greatly increased in the past year, were also suspected to serve as a cover for military-related fund-raising and exchanges of information.

19. Refugee leaders interviewed by the Commissioners were unanimous in rejecting charges of genocide in 1994 and categorically said that there had been no genocide, but fighting between former Rwandan government forces and the Rwandan Patriotic Army (RPA) in which many people had been killed on both sides. They argued that the side which had been defeated was now being blamed for genocide. The refugee leaders refused to accept that the genocide of Tutsi and moderate Hutu was an established and well-documented fact, and maintained that many killings had taken place before 1994, and that many Hutu had been killed by RPA forces and by Tutsis. They argued that when one Tutsi was killed the international community took it seriously, but the deaths of hundreds of Hutu attracted no attention. It was not clear to the Commission whether this attitude was the spontaneous expression of genuine feelings or whether it represented the result of prolonged indoctrination.

20. Sources also informed the Commission that there was open talk among some of the refugees of an "insecticide" operation, by which was meant the annihilation of the Tutsis. The name refers to a common Hutu epithet for Tutsi RPF fighters, "inyenzi", or cockroaches.

21. However, during its talks with senior officials of the Tanzanian Government, the Commission was informed that the refugee population was very divided. Though refugees themselves told the Commission they wanted to return home in peace, there are known to be well-organized "intimidators" who exercise considerable control over the camp populations.

D. Activities in Uganda

22. On 12 September 1996, the Commission was invited to meet with senior Government officials, including security officials, in Kampala during the week of 16 September. In the event, the Commission met with the First Deputy Prime Minister and Minister for Foreign Affairs, Mr. Eriya Kategaye; the Third Deputy Prime Minister and Minister of Labour and Social Welfare, Mr. Paul Orono Etiang; the Director-General of the External Security Organization; and other senior government officials, as well as with the Resident Representative of the United Nations Development Programme (UNDP) and others.

23. The information obtained by the Commission in Uganda was corroborated by high-level official sources and documents. According to these, the recruitment and extensive training of Rwandans were taking place at several locations in eastern Zaire, and non-Rwandan instructors might be involved. Recruitment was said to be taking place in Gahindo (Kahindo), Gatare (Katale) and Mugunga. Burundian rebels were training at Uvira. Zaire was identified as a conduit for

the supply of arms both to the former Rwandan government forces and the Interahamwe and the Burundian Front pour la défense de la démocratie (FDD). In a particular instance in April 1996, Zairian military authorities were said to have been directly involved in training the former Rwandan government forces in the use of anti-aircraft and heavy guns at Rumangabo barracks under the command of an air force officer named Captain Bila. The Forces Armées Zaïroises (FAZ) had also transported heavy arms (alleged to have been previously confiscated from the former Rwandan government forces) from their camp at Katindo to the former Rwandan government forces camp at Mugunga, where weapons parts were reportedly seen being reassembled and fitted. Other locations where training was said to be carried out included Nyamirima, Buramba, Kiryandonyi and Ihimbi Forest in Rutshuru, near the border with Uganda.

E. Activities in South Africa

24. In its report to the Security Council in March 1996 (S/1996/195, especially paras. 21-39 and 41-45), the Commission described the involvement in a highly probable violation of the Security Council arms embargo of a South African national, Mr. Willem Ehlers, identified as the director of a company called Delta Aero. Subsequent investigations conducted by the Commission indicated the need to explore further the apparent involvement of individuals of South African nationality in the sale or supply of arms to and the conduct of training by the former Rwandan government forces.

25. Accordingly, three members of the Commission visited South Africa from 1 to 7 September 1996 and met with the Minister for Foreign Affairs, Mr. Alfred Nzo; the Minister of Water Affairs and Forestry, Professor Kader Asmal, who is also the Chairman of the National Conventional Arms Control Committee (NCACC); the Deputy Director General, Department of Foreign Affairs, Multilateral Branch; and police and other government officials. Commission members, who visited Johannesburg, Pretoria, Cape Town and Durban, also met with members of the Cameron Commission, which had been established by the Government of South Africa to investigate possible South African involvement in illegal arms transactions; officials at the Institute for Defence Policy and its Regional Project on the Proliferation of Arms Trafficking; officials of Executive Outcomes, a private military consultancy company based in Pretoria; and Mr. Willem Ehlers, Director of the Delta Aero Company.

26. The Commission received firm assurances of full support and cooperation from the Government of South Africa and from the Cameron Commission, and has made arrangements to maintain close contacts with both concerning allegations of the involvement of South African nationals or companies in matters under investigation by the Commission.

27. The Commission was informed by its various interlocutors that the South African arms industry, which had until 1994 operated covertly, was being brought under increasing government control. However, individuals who had been involved in the arms trade or the armed forces during the apartheid era were still active in an individual capacity or in private industry. The Government was taking active steps to restrain their activities, which included dealing in arms and providing mercenary services.

28. When interviewed by the Commission at the UNDP office in Pretoria, Mr. Ehlers offered a detailed account of the arms deal referred to in paragraph 24 above, which essentially corroborated the account contained in the Commission's report to the Council. Mr. Ehlers also expressed appreciation to the Commission for offering him the chance to put his point of view, and spoke of his distress over accounts of his activities in the media. He had been assured that the arms were destined for Zaire and had been "shocked" to read subsequently that the recipients were in fact the former Rwandan government forces.

29. Mr. Ehlers told the Commission that the "main spokesman and authority" that he had dealt with was a Zairian official known to him as "Hundé". It was "Hundé" and another Zairian, "Jean", who had approached him in May 1994 in Pretoria to say that Zaire wished to buy a quantity of rifles and ammunition for the Zairian military. On the basis of information it has independently received, the Commission believes these men to be Mr. Hunda Nzambo and Mr. Jean-Bosco Ruhorahoza. The two told Mr. Ehlers that they would like to go to Seychelles with him and with their "technical expert" to inspect the weapons and ammunition offered for sale. The "technical expert" was Colonel Théoneste Bagosora, a leading figure in the former Rwandan government forces now in detention in Cameroon in connection with the genocide of April 1994.

30. The transaction then unfolded much as described in paragraphs 29 to 36 of the Commission's previous report (S/1996/195). However, while the price paid for the arms according to banking documents made available to the Commission was $330,000, Mr. Ehlers stated that the parties arrived at an agreed price of $300,000. The Commission is unable to explain the apparent discrepancy of $30,000, or 10 per cent of the price Mr. Ehlers cites.

31. Another small discrepancy relates to the nationality of Mr. Ruhorahoza, who arrived on 16 June 1994 aboard the Air Zaire DC-8 aircraft used to transport the arms to Goma. Mr. Ruhorahoza entered Seychelles on 16 and 18 June 1994, accompanying the aircraft back to Goma on 17 and 19 June. According to the information provided by Seychelles, Mr. Ruhorahoza used two different passports. On 16 June he is listed as a Rwandan, holding a passport No. 002978 issued at Kigali on 20 May 1994. On 18 June, he is described as Zairian, with a passport issued in Zaire on the same date and bearing the same number. In both cases, his occupation is given as "Fonctionnaire de l'état" or "fonctionnaire". Upon further inquiry to Seychelles, the Commission has received copies of the immigration forms filled in by Messrs Ehlers, Nzambo and Ruhorahoza for the dates in question, but can provide no explanation for this discrepancy.

32. In his discussion with the Commission, Mr. Lafras Luitingh, Director of Executive Outcomes, said that he would very much like to help the United Nations, but that he did not have hard evidence to support the allegations being investigated by the Commission. However, Mr. Luitingh indicated that his organization might be in a position to discover such evidence and that, if it succeeded, it would be willing to offer its cooperation on a commercial basis in return for suitable payment. The Commission was not in a position to discuss this offer further, but agreed to maintain contact with Executive Outcomes.

F. Activities in Belgium

33. A member of the Commission visited Brussels and Oostende from 3 to 7 September. The aim of the visit was to investigate allegations that numerous suspicious cargo deliveries to Central Africa had passed through Oostende airport. The Commissioner received the full support and assistance of the Belgian customs authorities, studied the airport records from 17 May 1994 to the present, was given access to all the documentation he requested, observed the physical checking of goods and had contacts with commercial sources, as well as airline and cargo company executives. No indication was found of any involvement in possible violations of the embargo.

34. In Brussels, the Commissioner had extensive contacts with a number of officials from the Sanctions Assistance Missions Coordination Centre in the European Commission offices, including British, Italian and Russian representatives. In addition, the Commissioner met with some individuals.

G. Activities in the United Kingdom

35. From 3 to 8 August, a member of the Commission visited London to meet with Amnesty International officials and representatives of other sources of information about events in the Great Lakes region, including a pilot with information about private cargo airlines flying in the region.

36. The information acquired strengthened the Commission's belief that arms were reaching the former Rwandan government forces from a variety of sources via Eastern Europe, including the former Yugoslavia, and Zaire. According to the sources contacted, the arms are transported for the final leg of the trip by light aircraft capable of landing on small airstrips, including the one at Bunia near Lake Albert. The Commission also received the names and contact numbers of several individuals and companies operating in Europe and in Zaire who were said to be familiar with arms flows in the Great Lakes region.

III. APPROACHES TO GOVERNMENTS

37. The Commission has approached several Governments it believes might have information that would assist it in its investigations, but is still awaiting many replies. In particular, the Commission has contacted the Governments of Belgium, Bulgaria, Cameroon, Cyprus, the Czech Republic, Egypt, France, Italy, Kenya, Malta, Portugal, Seychelles, South Africa, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland, Zaire and Zambia to request information in connection with specific allegations relating to the transportation of arms destined for the former Rwandan government forces. The Commission has also approached the Security Council Committee established pursuant to resolution 918 (1994), the International Criminal Tribunal for Rwanda, the International Civil Aviation Organization (ICAO), Amnesty International and Human Rights Watch. It is following up leads regarding fund-raising allegedly being conducted by Rwandan refugees for the purpose of buying arms in violation of the embargo.

A. Belgium

38. On 7 October 1996, the Commission requested information from the Administration des Douanes et Assises of Belgium regarding a report concerning arms of Eastern European origin that the Commission believed might have been delivered to the former Rwandan government forces with apparent indirect assistance from a Western European country. The Administration replied on 8 October that no inquiry had been conducted into the matter, and invited the Commission to take the matter up with the Belgian Foreign Ministry. The Commission wrote to the Foreign Ministry on 14 October inquiring whether any investigation had been conducted by the Belgian authorities into allegations of the falsification of origin of weapons; if so, whether any documents seized in the course of that investigation indicated the final destination of the weapons; and whether or not the end users were the former Rwandan government forces. No reply had been received by the time of the submission of the present report.

B. Bulgaria

39. Paragraphs 46 and 47 of the Commission's report of 14 March describe the request it made of the Government of Bulgaria for information following the broadcast of a British television programme called "Merchants of Death". The programme featured a Bulgarian company whose executives were portrayed as being prepared to deliver arms to Rwanda in violation of the United Nations embargo. On 14 February 1996, the Government of Bulgaria informed the Commission that a thorough investigation had "proved that the aforementioned allegations are unfounded".

40. In a note verbale dated 1 March 1996, which did not reach the Commission until after the submission of its previous report to the Security Council, the Government of Bulgaria stated the following:

> "In May 1995 a British firm named 'Ordkit Supplies' approached the Bulgarian KoKINTEX Share Holding Company. The Commercial Director of the British firm, a Mr. Paul Calverly, claimed to be representing the interests of several Central African States, and particularly of Rwanda.
>
> "This preliminary contact did not result in any further action.
>
> "The Bulgarian national licensing authority for the arms trade is the Interdepartmental Council on the Military Industrial Complex and Mobilization Readiness. This body has not issued an export licence for a transaction concerning Rwanda and no such transaction was found to have taken place.
>
> "Bulgaria would thus like once again to reiterate its principled policy of strict abidance by all sanctions imposed by the Security Council, as well as its readiness for dialogue and cooperation in the name of peace and security, with the competent authorities of the United Nations and in particular with the International Commission of Inquiry."

41. In its meetings with various information sources in London in January 1996 the Commission encountered Mr. Paul Calverly, a journalist. The Commission understands that "Ordkit Supplies" is a name invented for the purposes of an "undercover" television programme.

42. On 6 August, the Chairman wrote to the Minister for Foreign Affairs of Bulgaria asking him to make available to the Commission any information which might have come to light pursuant to the investigation referred to in the Bulgarian note of 1 March, and requested the Government's assistance in the event that the Commission decided to interview executives of the KOKINTEX company. No reply has been received.

C. Cameroon

43. In its 14 March report, the Commission established that a central role had been played in the Seychelles arms transaction of mid-June 1994 by Colonel Théoneste Bagosora, a high-ranking officer in the former Rwandan government forces. On learning in December 1995 that Colonel Bagosora was then resident in Goma, the Commission made provisional arrangements to interview him on its arrival there in January 1996. However, as described in its interim report (S/1996/67, paras. 34-38) the Commission was not able to pursue its inquiries in Goma as intended. The Commission subsequently learned that Colonel Bagosora had fled to Cameroon, where he was arrested in March 1996 by the authorities in connection with his alleged role in the events of April 1994 in Rwanda.

44. On 7 August 1996, the Chairman of the Commission wrote to the Government of Cameroon asking for authorization to interview Colonel Bagosora. A reminder was sent on 11 September, but no reply has yet been received.

D. Cyprus

45. On 24 September 1996, the Commission approached the Department of Customs and Excise of Cyprus in connection with the identity of the recipient of a number of telephone calls from Hutu extremists, apparently concerning an arms deal. The information was provided on 25 September and has assisted the Commission in its continuing investigations.

E. Czech Republic

46. On 10 September 1996, the Commission wrote to the Finance Ministry of the Czech Republic to inquire about possible approaches to that country's arms industry that might have originated from the former Rwandan government forces. No reply has been received.

F. Egypt

47. On 31 August 1996, the Chairman of the International Commission wrote to the Minister for Foreign Affairs of Egypt in connection with a report that two

aircraft registered in Ukraine, each said to be carrying 30 tons of arms, had landed in Egypt in June 1996 en route from Bulgaria to Kinshasa, and that the arms could have been destined for the former Rwandan government forces in violation of the United Nations arms embargo. One of the aircraft, registration No. UR76539, crashed at Kinshasa airport on the night of 5-6 June 1996 after unloading the arms. The Chairman requested the cooperation and assistance of the Government of Egypt in its inquiry into the matter. No reply has yet been received.

G. France

48. On 9 October 1996, the Chairman of the Commission brought to the attention of the Government of France allegations that had been made to the Commission by a high-level source in one of the Governments of the Great Lakes region. The allegations concerned a meeting said to have taken place recently between an individual said to be of French nationality and General Augustin Bizimungu, chief of staff of the former Rwandan government forces, at Mugunga. In a note dated 21 October 1996, the Government of France categorically denied the allegations and added that no person accredited by the Government of France had met under any circumstances with the former Rwandan government forces.

H. Italy

49. On 1 August 1996 the Chairman of the Commission met with the Italian Ambassador to Kenya and asked him, inter alia, about information received by the Commission to the effect that a former foreign minister of an Eastern European country now resident in Italy had publicly admitted signing authorizations for the transit of arms destined for the former Rwandan government forces through his country in violation of Security Council resolutions. The Commission subsequently wrote to the Italian authorities on 5 August 1996 and to the Commissione Centrale per il Riconoscimento dello Status di Rifugiato on 20 August requesting further information about the alleged incident with a view to locating and interviewing the former minister. No reply has been received to either letter.

50. On 17 September 1996, a member of the Commission visited Kibuye on the Rwandan side of Lake Kivu, where he inspected weapons seized from insurgents who had infiltrated into Rwanda. The weapons included TS-50 anti-personnel landmines which, the Commissioner was informed, were manufactured in southern Italy and which had not been available to the former Rwandan government forces before the imposition of the embargo.

51. Accordingly, the Commission wrote to the Government of Italy on 26 September to request information regarding the factory where the mines were said to have been manufactured, the countries to which they were delivered, delivery dates, the parties involved in the transactions and details of the end-user certificates and payment details. No reply has yet been received.

I. Kenya

52. On 16 July 1996 and again on 19 August 1996, the Chairman of the Commission wrote to the Minister for Foreign Affairs of Kenya recalling that the Ministry of Foreign Affairs, by its note dated 29 February 1996 addressed to the Chairman, had proposed that meetings be arranged between the Commission and the Government of Kenya as soon as the Commission returned to Kenya from New York. The Chairman also brought to the attention of the Minister the fact that serious allegations had been made and continued to be made concerning fund-raising activities being conducted among Rwandan circles in Kenya which were said to be connected with the sale and supply of arms to the former Rwandan government forces in violation of the Security Council arms embargo. The Chairman also renewed his request to be placed in touch with senior Kenyan military, police and customs officials who might be in a position to assist the Commission in its investigations into these allegations.

53. On 30 August 1996, the Foreign Minister of Kenya replied to the Chairman expressing his Government's readiness to cooperate with the Commission and informing him that the Ministry was in the process of coordinating the Commission's request to meet relevant senior Kenyan government officials. The Minister also requested the Commission to provide him with particulars of the fund-raising activities reportedly being conducted by Rwandan expatriates in Kenya and elsewhere. Despite subsequent additional approaches by the Commission, no meeting took place. The Chairman wrote again to the Minister for Foreign Affairs on 8 October recalling the Commission's repeated efforts to arrange a meeting, and stating that the Commission's inability to meet with senior Kenyan military, police, customs and intelligence officials had hindered its investigations.

54. On 23 August 1996, two members of the Commission met with the General Manager of Jomo Kenyatta International Airport, Nairobi. The Commission asked a number of questions relating to cargo and charter flights bound for Goma and those originating from Eastern Europe, to which the General Manager promised to provide information within one week. The Commission was also informed that the amount of illegal weapons transiting through Kenyatta Airport was negligible because of the strict checks and controls employed. However, there was a possibility that Wilson airport or any of the smaller airports might be used for such activity. The Commission has not yet received the additional information promised by the General Manager.

55. Various sources in Kenya gave the Commission information concerning fund-raising being conducted in Kenya among the Rwandan expatriate community and military training being received by the former Rwandan government forces in Zaire and the flow of arms to them. The information from these sources and others is discussed in greater detail below.

J. Portugal

56. On 22 August 1996, the Chairman of the Commission wrote to the Government of Portugal to request its cooperation and assistance in identifying weapons on the basis of serial numbers provided by the Commission. The weapons had been

found on Iwawa Island, Rwanda, following a battle with insurgents in November 1995 and appeared to be of Portuguese origin. The Chairman asked if the Government could notify the Commission of the origin and export details of the weapons. No reply has yet been received.

K. Spain and Malta

57. On 22 August 1996, the Chairman of the Commission wrote to the Governments of Spain and Malta to request information about the flight of a Nigerian-registered B-707 aircraft, registration No. 5N-OCL, which, according to information received by the Commission, left Madrid for Malta on 24 May 1994 and proceeded to Goma, Zaire, from Malta on 25 May. The Commission had reason to believe that the aircraft was carrying 39 tons of arms and ammunition, which may have been destined for the former Rwandan government forces. In addition to its cargo, the aircraft was said to have carried a single passenger, listed as "Bagosera, T.", who is believed to have boarded the aircraft in Malta. No reply has yet been received from the Government of Spain.

58. In a letter dated 18 September 1996, the Maltese Deputy Prime Minister and Minister for Foreign Affairs responded that an investigation carried out by the Maltese authorities had disclosed that the Nigerian aircraft had arrived in Malta from Madrid at 0135 hours on 25 May 1994; that it had left on 26 May at 0925 hours bound not for Goma, Zaire, but for Lagos, Nigeria; and that no passenger by the name "Bagosera, T." could be traced from the immigration records.

59. On 4 October 1996, the Chairman of the Commission wrote again to the Government of Malta making reference to the General Declaration submitted by the crew of the aircraft in question, which named "Bagosera T." as the passenger, and requesting the Government for further documentary evidence in respect of aircraft 5N-OCL. No reply has yet been received.

L. Seychelles

60. On 21 August 1996, the Commission wrote to the Government of Seychelles requesting further information concerning the financial details of the arms transaction involving Seychelles which was described in the Commission's 14 March report. The next day, the Government of Seychelles replied that it had provided the Commission with all the information at its disposal in connection with the financial details of the transaction and all other aspects of the enquiry, and concluding that the Government had nothing further to add or to convey on the matter.

61. On 11 September 1996, the Commission wrote again to the Government of Seychelles requesting clarification and documentation concerning the movements of Mr. Jean-Bosco Ruhorahoza in and out of Seychelles during June 1994. The Government provided the Commission with copies of the immigration records of Mr. Ehlers, Mr. Nzambo, Colonel Bagosora and Mr. Ruhorahoza for that month.

M. Switzerland

62. On 17 July 1996, the Commission wrote to the Federal Office for Foreign Economic Affairs in Bern, Switzerland, asking for information regarding the payments relating to weapons deliveries from Seychelles to Zaire on 17 and 19 June 1994 and described in the Commission's 14 March report. The payments were made by two transfers of sums of money to Seychelles in its account in the Federal Reserve Bank of New York. The origin of the first payment was the Union Bancaire Privée in Geneva, and the second was listed as "one of our clients" and appeared to have originated from the same Union Bancaire Privée.

63. On 15 October, the Federal Department of Foreign Affairs of the Government of Switzerland wrote to the Commission, saying in part:

> "... investigations in Switzerland are encountering numerous problems of a legal and practical nature, hence a more detailed analysis of the situation will be needed. The purpose of this analysis is to identify the possibilities of assistance, if any, and the procedures to be followed. Under the circumstances, regrettably, no immediate reply can be expected.
>
> "We are following this matter closely with the Government Procurator's Office and will certainly keep you informed of any developments."

N. United Kingdom of Great Britain and Northern Ireland

64. On 26 August 1996, the Chairman of the Commission wrote to the International Liaison Section of Her Majesty's Customs and Excise, United Kingdom, recalling two earlier letters he had sent on 30 November and 18 December 1995 and requesting information concerning a British-based company said to have been involved in transporting arms to Goma. No reply has been received.

65. On 7 October 1996, the Chairman wrote to the Secretary of State for Defence requesting technical assistance in identifying a number of weapons on the basis of their serial numbers. On 11 October, the Commission received a reply to the effect that the serial numbers provided only a tentative guide as to the origin of the weapons, and direct inspection would be more conclusive. However, owing to time constraints, the Commission has not yet been able to arrange such an inspection.

O. Zaire

66. The most pointed and detailed questions before the Commission concern Zaire. Allegations of the illegal delivery of arms to the former Rwandan government forces indicate overwhelmingly that the supply flights were destined for eastern Zaire, initially to Goma and Bukavu airports in Kivu Province, but more recently to smaller airstrips. The Commission has also received allegations that Ndolo airport at Kinshasa serves as a kind of hub for weapons shipments, some of which are reloaded onto light aircraft and redirected to Kivu.

67. In view of the continuing allegations of Zairean involvement in the illegal supply of arms to the former Rwandan government forces, the Commission has repeatedly tried to obtain from the Government of Zaire information about these allegations and permission to resume its investigations in and around Goma. Its efforts have been fruitless.

68. On 14 May 1996, pursuant to Security Council resolution 1053 (1996), the Secretary-General wrote to the Prime Minister of Zaire, Mr. Kengo wa Dondo, drawing to his attention the provisions of the resolution and requesting his Government to authorize the Commission to return to Goma to resume its investigations. There has been no reply.

69. On 7 August 1996, the Chairman of the Commission wrote to the Permanent Mission of Zaire to the United Nations recalling the Secretary-General's letter and noting that no reply had been received. The Chairman once more requested authorization for the Commission to resume its activities in Goma.

70. On the same day, the Chairman also wrote to the Zairian Minister for Foreign Affairs referring to the letter written by the Chargé d'affaires of Zaire to the President of the Security Council on 3 April 1996 (S/1996/241) concerning the 14 March 1996 report of the Commission. In that letter, the Chargé had criticized the Commission and sought to refute some of its findings. The letter had also referred to an inquiry into the matter that was being conducted by the Government of Zaire. The Chairman asked the Minister to communicate the results of that inquiry to the Commission. No response has been received to any of these démarches.

P. Zambia

71. On 16 October 1996, the Commission wrote to the Government of Zambia drawing to its attention allegations that several deliveries of arms and matériel had been made from the port of Mpulungu on Lake Tanganyika in February, March and May 1996 with the participation of six men, including at least two Rwandans and two Zambians, to Goma and Bukavu in Zaire. The Commission has reason to believe that these arms were destined for the former Rwandan government forces. The Commission asked the Government of Zambia if it was aware of these allegations and if it had undertaken any investigation into them. At this point, no reply has been received.

Q. International Civil Aviation Organization

72. On 22 August 1996, the Chairman wrote to the Secretary-General of ICAO requesting details of flight 5N OCL from Madrid and Malta on 24 and 25 May 1994. No reply has yet been received.

73. The Commission wrote again to ICAO on 29 August concerning another flight it believed might have been transporting arms to the former Rwandan government forces. No reply has yet been received.

R. Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

74. On 2 August 1996, the Chairman of the Commission wrote to the Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda to ask if the Committee had received any information since the submission of the Commission's report on 14 March 1996 that might be of assistance to the Commission.

75. In his reply, the Chairman of the Committee informed the Chairman that since his last communication dated 8 February 1996, which was reflected in the Commission's report to the Security Council (S/1996/195, annex, para. 57), the Committee had not received any information relating to the sale or supply of arms and related matériel to the former Rwandan government forces in violation of resolution 918 (1994).

IV. SOURCES OF INFORMATION AVAILABLE TO THE INTERNATIONAL COMMISSION

76. By its resolution 1013 (1995) of 7 September 1995, the Security Council requested the Secretary-General to investigate reports of military training by and arms transfers to former Rwandan government forces in violation of its resolutions 918 (1994), 997 (1995) and 1011 (1995). As noted in the Commission's report to the Security Council dated 14 March 1996 (S/1996/195, annex, paras. 52-60), during the period from October 1995 to March 1996 the reports and allegations concerning these matters emanated at that time primarily from the non-governmental organization Human Rights Watch, which in May 1995 issued a report entitled "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide". In addition, reports were published by Amnesty International and various European media.

77. During its second tour of duty in the field, from July to mid-October 1996, the Commission received information from a much wider variety of sources, including Governments. Much of the information acquired in individual interviews was confidential or inconclusive, or both. Very often the Commission thought it advisable to obtain corroborating evidence from other sources, including other Governments. In many cases, as described above, the Commission is still awaiting a reply from many of the Governments it has contacted for assistance in following up these allegations.

78. The wide variety and great differences in background, standing and apparent motivation of the individuals and groups providing it with information on alleged violations of the embargo of all kinds prompted the Commission to grade its sources as "highly reliable", "reliable" and "fairly reliable". While the Commission gave most credence to "highly reliable" sources, it was also prepared to act on data from "reliable" and "fairly reliable" informants if they were independently corroborated. In classifying its sources thus, the Commission also took into account such considerations as the extent to which the sources themselves might have been implicated in activities in violation of Security Council resolutions, and weighed their first-hand knowledge of such operations against their desire to avoid self-incrimination.

79. Notwithstanding the reservations noted above, the sheer volume and consistency of the information gathered in several different countries from several independent sources, when reviewed all together and compared against the background of the Commission's own experience during the period November 1995 to March 1996, proved highly convincing. Though some sources for security reasons cannot be named, the Commission is confident that the observations and conclusions it has arrived at are soundly based on accurate information.

V. FUND RAISING

80. Shortly before submitting its 14 March report to the Security Council, the Commission received strong indications from Rwandan sources that funds were being raised among Hutu communities worldwide for the purpose of financing the insurgency against Rwanda. Since the alleged purpose of the fund-raising was explicitly said to be to purchase arms in violation of the embargo, the Commission considered it within its mandate to investigate these allegations, as far as it could.

81. In addition to the information received in the United Republic of Tanzania (see paras. 13-21 above), the Commission has received indications from various sources that a complex, organized multinational fund-raising and taxing system exists and appears to be controlled by prominent members of the Hutu community.

82. Notwithstanding reports about indirect contributions from countries said to be involved in facilitating arms transactions, fund-raising is said to be carried out in three ways: in the refugee camps; among Hutu communities worldwide, organized from Nairobi; and in Rwanda itself.

83. In the camps in Zaire, the United Republic of Tanzania and, until recently, Burundi, one of the major sources of the "war tax" is reportedly the sale of relief goods donated by international humanitarian organizations. Each family is supposed to contribute $10 per month. Contributions are also levied from the Hutu local employees of such organizations. For example, the Commission was informed that in the United Republic of Tanzania, some 10,000 to 12,000 refugees are employed by non-governmental organizations in various capacities at salaries ranging from 9,000 to 22,000 Tanzanian shillings per month. Out of this, each "taxpayer" is supposed to contribute 15 per cent, which would yield in the region of $500,000 annually. This income is said to be supplemented by a tax on commercial activities such as the operation of minibus and truck transportation services, as well as the proceeds of crime, including hijacking and extortion.

84. Wealthy Hutus in Kenya and Zaire are also said to have contributed to fund-raising efforts, which have yielded up to $2 million. Hutus living in Rwanda contribute according to their individual wealth, and the money raised is said to be used to purchase arms. Highly reliable sources indicate that the leaders of the former Rwandan government forces and Interahamwe hold regular meetings in Nairobi, their organizational and financial headquarters, to discuss fund-raising and general strategy. All the funds raised are said to be concentrated in one individual bank account. The Commission has gathered a great deal of information about the financial activities of the former Rwandan

government forces, but has not had sufficient time to follow up all the leads it has been given.

85. Nairobi is also the location of some religious organizations, which were named to the Commission, and which are said to be providing an undetermined amount of money to the Rwandan political and military elite every month. The ostensible purpose of the money is to meet the day-to-day needs of the Rwandan community, but it is in fact reportedly used to buy arms.

86. Sources the Commission has classified as "reliable" indicate that regular fund-raising meetings of high-level former Rwandan government military and civilian officials are held at Nairobi hotels located in Hurlingham, Kasarani, Adams and Upper Hill, as well as places on the outskirts of Nairobi such as Kayole and Komarock. Participants sometimes include almost all the Rwandan refugee population in Nairobi, including the former Rwandan government forces chief of staff General Augustin Bizimungu, Brigadier-General Gratien Kabiligi, former Foreign Minister Dr. Casimir Bizimungu and the businessman Félicien Kabuga, who was said to have financed Radio Télévision Libre des Mille Collines and the Interahamwe. It is known to the Commission that all these individuals have been issued with Zairian passports with which they can travel freely. All were leading figures in Rwanda at the time of the genocide of 1994.

87. Each of these fund-raising meetings is said to have raised, on average, $100,000; at one meeting in March 1996 $400,000 was said to have been collected. Money is also collected at wedding parties.

88. Some Nairobi-based crime is also said, by highly reliable sources available to the Commission, to be a major source of funding for the former Rwandan government forces and the Interahamwe. In particular, a printing site for the manufacture of counterfeit United States dollars is said to be located in one of the industrial areas of Nairobi that has been identified to the Commission. The counterfeit currency is allegedly taken out of Kenya and exchanged abroad to buy arms.

89. As noted in paragraph 53 above, the Commission's efforts to meet with Kenyan government officials to bring these matters to their attention have been unsuccessful.

VI. SALE AND SUPPLY OF ARMS

90. Reliable and highly reliable sources in Belgium, Kenya, Rwanda, South Africa, the United Republic of Tanzania and the United Kingdom painted a coherent picture of huge, loose, overlapping webs of more or less illicit arms deals, arms flights and arms deliveries spanning the continent from South Africa as far as Europe, particularly Eastern Europe. Often the participants are businessmen, sometimes with a military or security background, who may or may not also be engaged in entirely legitimate operations having no connection with the arms trade. Many are motivated more by profit than by political or strategic considerations. The aircraft used range from large cargo carriers to small private planes capable of landing on bush airstrips. Those engaged in such activities make free use of fake end-user certificates, exploit loopholes

in the law, evade customs and other airport controls by making clandestine night take-offs and landings, file false flight plans and conceal their movements by using fabricated zone permits, evading radar tracking and observing radio silence in flight.

91. Amid this extensive traffic, which also deals in contraband drugs, firearms, diamonds and gold, the sale and supply of arms and matériel to the former Rwandan government forces is but one small piece of the mosaic. It is clear, too, that some of the arms consignments bound for eastern Zaire are intended for the Burundian insurgents, who are not under embargo and, for that matter, for Zairian troops. Nonetheless, a clear pattern has emerged from the various accounts provided to the Commissioners. According to the Commission's informants, arms have continued to flow to the former Rwandan government forces, often from or through South Africa, Angola, Eastern Europe and the former Yugoslavia, and Kinshasa. Rather than landing at the relatively large airports of Goma and Bukavu, as was reported during the 1994-1995 period, these arms are now flown into small airstrips, possibly including Bunia near Lake Albert, some 300 kilometres north of Goma. Other airstrips in the area where arms may also have been landed include Kahunde and Katale.

92. It has been stated as a fact to the Commission that the former Rwandan government forces now have brand-new weapons, including Kalashnikovs and anti-personnel mines that were not available to them before the embargo was imposed. Many of the arms deals aimed at supplying both the Rwandian and Burundian insurgents are allegedly conducted in Bukavu by a local business person.

93. According to a reliable source, in February, March and May 1996 more than 150 tons of weapons and communications equipment were shipped from Mpulungu, Zambia, a port on Lake Tanganyika, to Bukavu and Goma and thence apparently to Rwandan recipients in Zaire. The first shipment allegedly took place on 23 February, when six men - two Rwandans, two Zambians, a Zairian and one other, unknown - hired three boats, which they loaded about 30 minutes from Mpulungu port from two four-wheel-drive pick-up trucks. The Commission was given the names of the men, the name and occupation of the person who allegedly gave them their orders, and the licence numbers of their vehicles. The Commission's approach to the Government of Zambia concerning these allegations has not yet elicited a response.

VII. MILITARY TRAINING

94. According to reliable sources available to the Commission, the exiled Rwandan political and military elite located in Nairobi have formed an "invasion group" to plan for the invasion of Rwanda in pincer-movement attacks from the east and the west - the camps in Zaire and United Republic of Tanzania - which would "meet in Kigali" to conquer the country and restore Hutu rule. The current size of the former Rwandan government forces and militia has been estimated at 50,000 trained soldiers.

95. In addition to the information received in the United Republic of Tanzania and Uganda (see paras. 13-23 above), interviews conducted by a Commissioner with

captured insurgents in Rwanda in August and September 1996 appear to confirm that extensive recruitment and military training of refugees was and still is being conducted, with the participation of the former Rwandan government forces and sometimes Zairian instructors.

96. Those who have participated in the training have informed the Commission that it takes place outside Kibumba, Kashelo, Lac Vert and Mugunga camps in Zaire, during the day and the night, as well as in Kigombe, Rwanda, with arms but no ammunition. They said their instructors were former Rwandan government forces officers named as Lieutenants Semehalu and Senzira, a soldier called Pkiabukamba, Lt.-Col. Renzaho Tharcisse, former Prefect of Kigali, Major Ntinina, and Captains Shumbusho and Munianeza.

97. Highly reliable eyewitnesses described training of insurgents being carried out at Zairian military camp, 20 kilometres north of Bukavu and at Bunia near Lake Albert. Other locations where training was said to be taking place include the Virunga Forest north of Goma, Idjwi Island in Lake Kivu, Bafwasende in the Kisangani area and Moba on Lake Tanganyika. According to another highly placed source in the Government of one of the Great Lakes countries, training was being carried out in Masisi, Kalonge, Muhanga, Kibanzo, Panzi, Kamanyola and Idjwi Forest.

98. The training has apparently permitted increased insurgent activity in the form of incursions, a major objective of which is to identify and eliminate potential witnesses of the genocide. The Commission was given a detailed description of the ways in which genocide survivors or those who might give evidence to the Government of Rwanda or the International Tribunal are identified, tracked and killed even if they are in the custody of the Rwandan Government. Some potential witnesses have reportedly been poisoned. According to highly reliable sources, foreign nationals and interests in Rwanda might also be at risk and would be deliberately targeted and killed in the event of an invasion.

VIII. MATTERS PENDING

99. In the short time available to it (July to October), even with the extension until 31 October 1996 granted by the Security Council, the Commission was unable to follow up on all the leads opened up during the course of its investigations. There are a number of pending questions, some of which might be answered in the course of time as Governments respond to the inquiries described in various sections above. The Commission appreciates that many of the Governments concerned have not had sufficient time to answer, in view of the specific and detailed nature of the questions. At the same time, the Commission feels that some Governments could have been more helpful in responding to the Commission's inquiries.

100. The main pending questions concern allegations or incidents involving the transportation of arms which the Commission has reason to believe might have been destined for the former Rwandan government forces, and the origin of arms captured from insurgents within Rwanda of a type not available to the Rwandan government forces before the imposition of the embargo. Given enough time, the

Commission believes the various Governments in receipt of its inquiries on these matters might be able to shed some light on them.

101. The Commission also expresses regret once more at not having received from the Government of Zaire a response to its requests to resume its investigations in and around Goma and at not receiving the results of the investigation the Government said it was conducting.

102. Since its inception, the Commission has made repeated efforts to locate Mr. Jean-Claude Urbano, the former honorary Vice-Consul of France at Goma in mid-1994, who was cited as a source for the statements in the Human Rights Watch report concerning alleged French involvement in the delivery of arms to the former Rwandan government forces. In 1995, as reported by the Commission (S/1996/195, annex, para. 15), Mr. Urbano brought an action for slander against Human Rights Watch, which the latter intended to defend. However, when the case opened in France in September 1996, Mr. Urbano withdrew his suit. The Commission has not yet been able to locate him.

103. Other pending issues include the apparent delivery in June 1996 of 60 tons of arms to Zaire by two Ukrainian-registered aircraft, one of which crashed at Kinshasa; the apparent presence, according to a cargo document filed at the time, of Colonel Théoneste Bagosora aboard a Nigerian-registered B-707 aircraft, registration number 5N OCL, which apparently flew from Malta to Goma on 25 May 1994; the origin of weapons recently seized from Hutu insurgents in Gitarama and Kibuye, Rwanda, which were inspected by the Commission on 17 September 1996; and the replies the Commission is still awaiting to its approaches to Governments requesting information concerning various aspects of the Commission's inquiries.

IX. OBSERVATIONS AND CONCLUSIONS

104. Despite the many differences between Rwanda and Burundi, the problems faced by the two countries are inextricably linked because of the similarity of their populations' ethnic composition and the presence in the United Republic of Tanzania and Zaire of hundreds of thousands of refugees from both countries. Thus, the conflict involving each country simultaneously affects and is affected by developments in neighbouring countries. From the various discussions the Commission has had with numerous government officials, non-governmental organizations, United Nations agencies and private individuals, the Commission is convinced that the problems of the Great Lakes region must be approached from a regional perspective, and that the problems of one country cannot be dealt with in isolation while disregarding the problems of the others. Any attempt to achieve a separate solution in one country is likely to be undermined by the volatile situation in another, thereby precluding the achievement of long-term stability.

105. The Commission believes that many of the difficulties it has faced in its efforts to gather information from Governments and others stemmed, inter alia, from the short time allowed for its investigations. Insofar as many of the questions posed by the Commission still remain pending, the present report must be considered incomplete. As has been pointed out previously, the Commission

has neither the legal powers nor the material and human resources of a police force and must rely on the assistance and cooperation that its interlocutors choose to provide.

106. Between mid-1994, when the Security Council imposed an arms embargo on Rwanda, and early 1995, a spate of reports appeared in the media and in the publications of reputable non-governmental organizations concerning the rearming and training of the former Rwandan government forces, primarily in Zaire. Subsequent investigation by the Commission left little doubt that arms deliveries and training had taken place. In its first report to the Council in January 1996 (S/1996/67), the International Commission stated its belief that Rwandan men were receiving military training to conduct destabilizing raids into Rwanda, but was not at that stage in a position to confirm allegations that arms, ammunition and related matériel had been sold or supplied to the former Rwandan government forces in violation of the relevant Security Council resolutions. The Commission did note that rumours of embargo violations seemed to have greatly diminished following the publication of the Human Rights Watch and Amnesty International reports during 1995 and the accompanying media attention.

107. In its second report, in March 1996, the Commission reported in some detail on what it considered to be a highly probable violation of the embargo involving an arms deal in Seychelles in June 1994, and stated its belief that the Government of Zaire, or elements within it, had aided and abetted that violation. The Commission also drew attention to strong indications that senior figures among the former Rwandan government forces were still actively raising money from sympathizers abroad, apparently for the purpose of funding an insurgency.

108. The Commission's resumption of its activities in the Great Lakes region since July 1996 has produced ample and convincing evidence to support the following conclusions:

(a) The former Rwandan government forces, including the Interahamwe militia, are continuing to receive arms from a variety of sources in violation of the Security Council embargo;

(b) Former Rwandan government forces/Interahamwe and newly recruited fighters in Zaire and the United Republic of Tanzania are intensively training with the apparent aim of invading Rwanda from the east and the west in accordance with plans drawn up by a central "invasion committee" based in Nairobi;

(c) In order to finance the above activities, Hutu communities worldwide, supported by some host countries, are conducting a highly organized fund-raising effort. As part of this effort, a "war tax" is being levied in the refugee camps;

(d) There is a close link between the Rwandan and Burundian insurgent forces, including increasing coordination, cooperation and joint planning between the former Rwandan government forces/Interahamwe and the Burundian Conseil national pour la défense de la démocratie and its military wing the

Front pour la défense de la démocratie (CNDD/FDD) for armed action against both Rwanda and Burundi;

(e) Zaire, or elements within Zaire, appear to continue to play a central role as a conduit for arms supplies to and military training of Rwandan and Burundian insurgents on its soil, as evidenced by the growing strength of the former Rwandan government forces/Interahamwe and CNDD/FDD in military operations aimed at destabilizing Rwanda and Burundi;

(f) Further efforts by the international community to gather information on, let alone to address, these developments will require the establishment of a mechanism capable of operating over the longer term.

X. RECOMMENDATIONS

109. The Commission made a number of recommendations in paragraphs 77 to 91 of its 14 March report. These concerned mechanisms to monitor and implement Security Council resolutions, to gather information and preserve evidence; measures designed to foster stability in the Great Lakes subregion; confidence-building measures designed to reduce the flow of arms in the subregion; recommendations for the further investigation of violations which had or might have taken place; and measures to deter further violations of the embargo. Those recommendations were intended as the optimum practical steps that could be taken at modest cost to the United Nations and Member States in order to implement the Security Council's resolutions. Where those recommendations have not been implemented, the Commission would propose that further thought be given to adopting them.

110. One of those recommendations (para. 77) concerned the incorporation of United Nations sanctions regimes in the national law of States neighbouring the country upon which the sanctions were imposed. The Commission recommends that consideration be given to requesting the States producing arms and matériel to take any measure necessary under their domestic law to implement the provisions of resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1011 (1995) of 16 August 1995 and, in particular, to prosecute their nationals for violations of the arms embargo imposed by the said resolutions. Some of the countries visited by the Commission expressed their inability to prosecute their nationals accused of involvement in crimes and sanctions violations while operating from a third country. It is therefore recommended that Member States be invited to introduce in their domestic legislation provision to prosecute such individuals. Such a measure would tend to reduce the impunity which some individuals and companies appear to enjoy while operating in third countries.

111. The Commission finds it very disturbing that organized fund-raising is going on in refugee camps and elsewhere to finance the armed struggle. While only a long-term political settlement between the parties can result in the repatriation of the refugees in safety and dignity and the eventual resolution of the conflict, the Commission believes that short-term measures must be taken to help reduce the danger of large-scale fighting on Rwanda's borders. The recent and current situations in north and south Kivu involving the Masisi area and the Banyamulenge are linked to the presence and aggressive activities of the

former Rwandan government forces and the Interahamwe in eastern Zaire. This potentially explosive situation urgently needs to be addressed by the international community.

112. In view of the fact that infiltration from Zaire into Rwanda and Burundi has greatly increased in the past few months, the Commission recommends that the Security Council urgently call upon the Government of Zaire not to allow foreign armed groups to operate from its soil and to identify steps it can take to improve the situation. These should include putting an end to the sale or supply of arms, matériel and logistical assistance to these groups and to any military training being carried out by them on Zairian soil. The Government of Zaire should be called upon to live up to the responsibilities it assumed by virtue of the Cairo Declaration of November 1995, when Zaire undertook to prevent armed groups operating from its territory and to remove "intimidators" from the refugee camps.

113. The Commission is aware that, pursuant to resolution 1053 (1996), discussions have been taking place with the Government of Zaire concerning the deployment of United Nations military observers in the airfields and at border crossing points for the purpose of better implementation of the arms embargo and deterrence of the shipment of arms to former Rwandan government forces in violation of Council resolutions, but that no decision has yet been taken on such a deployment. While the Commission is fully conscious of the precarious security situation in Kivu Province, it continues to believe that, under the right circumstances, the deployment of United Nations observers could have the effect of deterring or reducing the potential for arms shipments. The Commission therefore recommends that the Security Council keep this matter under active review.

114. The Commission further recommends that the Security Council consider expanding the embargo imposed on the former Rwandan government forces in its resolutions 918 (1994), 997 (1995) and 1011 (1995) to include a freeze on assets, including bank accounts, of individuals and organizations involved in raising funds to finance the insurgency. The Commission recognizes the legal and practical difficulties of taking such a step, but believes that measures of this kind should be considered to address this very serious threat to the peace and stability of the Great Lakes region.

115. The Commission was given to understand by the authorities of the United Republic of Tanzania that they know the identity of the "intimidators" in the refugee camps in that country, but lack sufficient resources to apprehend them and the legal authority to detain them for long periods. UNHCR has also informed the Commission that it has provided resources to the Government of the United Republic of Tanzania for this purpose and intends to augment this assistance as necessary. The Security Council may therefore wish to encourage the Tanzanian authorities to continue to liaise with UNHCR and to consult the International Criminal Tribunal for Rwanda to see if legal grounds exist to detain known intimidators. The Council may also wish to consider encouraging the international community to provide both Tanzanian and Zairian authorities with the additional technical means required to apprehend the intimidators, as well as to urge both countries to exercise much greater control over their movements and activities.

116. The Commission's investigations since November 1995 lead it to believe that the attention of the international community should continue to be directed at the problem of maintaining the arms embargo against the former Rwandan government forces. Sustained, longer-term involvement can produce worthwhile results. Left to itself, the situation around Rwanda is likely to worsen, and the human and financial costs of addressing it now are certain to be lower than the cost of trying to contain a major outbreak, or of dealing with its effects after it has occurred.

117. Although the situation in Burundi does not fall within the Commission's mandate, the Commission cannot ignore the fact that its mandate is directly affected by this situation. In particular, the Commission believes that the Rwandan and Burundian insurgents in the United Republic of Tanzania and Zaire are coordinating their arms procurement, training and military operations. It is against this background that the Commission is making the following recommendation: should the Council decide to impose an arms embargo on the present regime of Burundi, it should also be extended to include the CNDD/FDD. This step should be taken not only in the interests of impartiality, but also because the Commission believes that if any arms embargo imposed on Burundi is not extended to Burundese insurgents outside the country, the former Rwandan government forces will almost certainly continue to receive arms from them in violation of Council resolutions because of the special relationship that has developed between the two groups.

118. One of the major reasons for the unstable situation in the region is the refusal of the majority of Rwandan refugees to return home because of their perception that they would face persecution and reprisals in Rwanda, a perception that appears to be justified to some extent by recent reporting by Amnesty International and others. It is therefore recommended that the Security Council urge Rwanda to take all possible measures to create a climate conducive to the harmonious reintegration of the refugees in order to encourage their return in safety and dignity as soon as practicably possible.

119. Subject to the concurrence of the Security Council, the Commission now intends to continue, in accordance with paragraph 2 of resolution 1053 (1996), to maintain contacts with Governments and others in the Great Lakes region, to follow up the investigations described in the present report, to respond to any further allegations of violations and to make periodic reports to the Security Council on the evolution of the situation with regard to compliance with the Council's resolutions. The Commission would recommend, however, that its mandate be reviewed in the light of any decision that may be taken by the Security Council pursuant to paragraph 7 of that resolution concerning the deployment of United Nations observers. It believes that its mandate should also be reviewed in the light of any other decisions that the Council may adopt to address the deteriorating situation in the Great Lakes region.

(Signed) Mahmoud KASSEM (Egypt), Chairman

(Signed) Mujahid ALAM (Pakistan)

(Signed) Gilbert BARTHE (Switzerland)

(Signed) Mel HOLT (United States of America)

Appendix

1. The International Commission of Inquiry would like to express its gratitude to the staff of the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme in Rwanda, the United Republic of Tanzania, Uganda and South Africa for their invaluable assistance in helping the Commission meet its logistical, transportation and communications requirements.

2. The Commission wishes to express its deep appreciation to the government officials, United Nations agencies, non-governmental organizations, individual relief workers, journalists and others who have assisted it in its activities since the submission of its 14 March 1996 report. These include:

A. In Kenya

The Minister for Foreign Affairs of Kenya

Deputy High Commissioner of South Africa

General Manager of Jomo Kenyatta International Airport, Nairobi

Ambassador of Belgium

Ambassador of Italy

Ambassador of Switzerland

Ambassador of Zaire

B. In Rwanda

The Vice President and Minister of Defence

Senior military, police and security officials

Ambassador of Belgium

C. In South Africa

The Minister for Foreign Affairs of South Affica

The Minister for Water Resources and Forestry, and Chairman, National Conventional Arms Control Committee

Deputy Director General, Ministry of Foreign Affairs

Executive Director, Centre for Conflict Resolution and Member, Cameron Commission

Officials of Executive Outcomes

Mr. Willem Ehlers

D. In Belgium

Director, Investigation Branch, Belgian Customs

Officials of the Sanctions Assistance Missions Coordination Centre

Ostende Airport authorities

E. In The United Republic of Tanzania

Prime Minister of the United Republic of Tanzania

Minister of Home Affairs

Director General of Intelligence and Security

Head of Refugee Section, Ministry of Home Affairs

Special Adviser to the Prime Minister

Government Security Officer

Regional and local police officials

F. In Uganda

Deputy Prime Minister of Uganda

Deputy Prime Minister and Minister for Foreign Affairs of Uganda

Senior intelligence officials

Resident Representative of the United Nations Development Programme

G. In the United Kingdom of Great Britain and Northern Ireland

Amnesty International

Ambassador Shaharyar Khan

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